



UNITED STATES BANKRUPTCY COURT
Northern District of California
U.S. Courthouse and Federal Building
280 South First Street Room 3035
San Jose, California 95113-3099
(408) 535-5118

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NOV 14 AM 11:58
RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL.

FILED
NOV 14 2007
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Gloria L. Franklin
Clerk of Court

Richard W. Wieking, Clerk
United States District Court
280 South First Street
San Jose, CA 95113

C07 05758RMW

FILED

NOV 09 2007

CLERK
UNITED STATES BANKRUPTCY COURT
SAN JOSE, CALIFORNIA

Re: *Case Name: The Billing Resource*
BK Case Number: 07-52890-ASW
Adversary Case Number: 07-5156-ASW
Bankruptcy Judge Name: Arthur S. Weissbrodt
District Court #:

Dear Mr. Wieking:

☐ Enclosed please find the Notice of Appeal, certified copy of the docket and order being appealed and related papers from BAP and designated items to form the record on appeal for assignment to a district court judge.

☒ Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, as well as a certified copy of the docket and order being appealed for assignment to a district court judge.

☐ Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, a certified copy of the docket, the order being appealed, as well as Motion for Leave to Appeal / **Non-Final Order/Judgment** for assignment to a district court judge.

☐ Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

☐ Enclosed please find the Appellant's Designation of Record.

☐ Enclosed please find the Appellee's Designation of Record.

☐ Enclosed please find the Statement of Issues.

1 WILLIAM BLUMENTHAL
General Counsel

2 JOHN ANDREW SINGER
3 MICHAEL P. MORA
JULIE A. MACK
4 Federal Trade Commission
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5 Washington, DC 20580
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7 mmora@ftc.gov
jmack@ftc.gov

8 ATTORNEYS FOR
9 FEDERAL TRADE COMMISSION

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 IN RE

14 THE BILLING RESOURCE, dba Integretel, a
California corporation,

15 Debtor

Case No. 07-52890
Chapter 11

17 THE BILLING RESOURCE, dba INTEGRETTEL,
18 a California corporation,

19 Plaintiff,

20 v.

Adv. Pro. No. 07-05156

21 FEDERAL TRADE COMMISSION, and DAVID
22 R. CHASE, not individually, but solely in his
capacity as receiver for Nationwide Connections,
Inc., Access One Communications, Inc., Network
23 One Services, Inc., 411TXT, Inc.,
CELL-INFOUSA, INC., Enhanced Billing
24 Services, Inc., Toll Free Connect, Inc., Cripple
Creek Holdings, LLC, Built to Last, LLC, Not
25 Fade Away, LLC, He's Gone, LLC, The Other
One, LLC, Turn on Your Love Light, LLC, China
26 Cat Sunflower, LLC, Lazy River Road Holdings,
LLC,

27 Defendant.

FEDERAL TRADE
COMMISSION'S NOTICE OF
APPEAL

28 NOTICE IS HEREBY GIVEN that the FEDERAL TRADE COMMISSION appeals

C07 05758RMW

1 under 28 U.S.C. § 158(a) from the order of the United States Bankruptcy Court for the Northern
 2 District of California entitled, "Order Granting Motion for Preliminary Injunction," which was
 3 entered on the docket in this adversary proceeding on November 8, 2007.

4 A true and correct copy of the order appealed from is attached hereto as Exhibit A. The
 5 names of all parties to the order appealed from and the names, addresses, telephone and fax
 6 numbers, and email addresses of their respective attorneys are as follows:

7 Counsel to the Federal Trade Commission

8 John Andrew Singer
 9 Michael P. Mora
 10 Julie A. Mack
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jmack@ftc.gov

14 Counsel to Debtor

15 The Billing Resource, dba Integretel,
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 16 Michael H. Ahrens, Esquire
 17 Jeffrey K. Rehfeld, Esquire
 Steven B. Sacks, Esquire
 Sheppard, Mullin, Richter and Hampton
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 San Francisco, CA 94111
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 (Fax) (415) 434-3947
 20 (Email) mahrens@sheppardmullin.com
 21 jrehfeld@sheppardmullin.com
ssacks@sheppardmullin.com

22 Counsel to Florida District Court Receiver, David R. Chase

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 24 Walter K. Oetzell, Esquire
 Steven J. Schwartz, Esquire
 Danning, Gill, Diamond & Kollitz, LLP
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 Los Angeles, California 90067-2904
 26 (Tel) (310) 277-0077
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 27 (Email) sschwartz@dgdgk.com

1 Counsel to Florida District Court Receiver
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10 Dated: November 8, 2007

Respectfully submitted,

WILLIAM BLUMENTHAL
General Counsel

13 /s/ Michael P. Mora
14 JOHN ANDREW SINGER
15 MICHAEL P. MORA
16 JULIE A. MACK
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25 jmack@ftc.gov

ATTORNEYS FOR
FEDERAL TRADE COMMISSION

CERTIFICATE OF SERVICE

1
2 1. My name is Michael P. Mora. I am an attorney with the Federal Trade
3 Commission, an interested party in this matter. My business address is 600 Pennsylvania
4 Avenue, N.W., Room 2122, Washington, DC 20580.

5 2. A true and correct copy of the forgoing APPELLANT FEDERAL TRADE
6 COMMISSION'S NOTICE OF APPEAL will be served on November 9, 2007, by causing it to
7 be sent via U.S. mail from Washington, DC, to the attached Service List.

8 3. The following also were served on November 8, 2007, by Electronic Noticing
9 pursuant to Section 10 of this Court's Amended Operating Order and Local Rule 9013-3(c) on
10 each Registered Participant as follows:

11 Michael H. Ahrens mahrens@sheppardmullin.com
12 Ori Katz okatz@sheppardmullin.com, dwhitehead@sheppardmullin.com
13 Jeffrey K. Rehfeld jrehfeld@sheppardmullin.com, ewalters@sheppardmullin.com
14 Steven B. Sacks ssacks@sheppardmullin.com, ewalters@smrh.com
Steven J. Schwartz sschwartz@dgd.com

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct.

17 Executed on November 8th, 2007, at Washington, DC.

18
19 /s/ Michael P. Mora
20
21
22
23
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28

SERVICE LIST

Debtor

The Billing Resource
5883 Rue Ferrari
San Jose, California 95138

Counsel to Debtor

The Billing Resource, dba Integretel,
a California corporation
Michael H. Ahrens, Esquire
Jeffrey K. Rehfeld, Esquire
Steven B. Sacks, Esquire
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Walter K. Oetzell, Esquire
Steven J. Schwartz, Esquire
Danning, Gill, Diamond & Kollitz, LLP
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Los Angeles, California 90067-2904

Counsel to Florida District Court Receiver

Jeffrey C. Schneider, Esquire
Michelle C. Visiedo-Hildago, Esquire
Tew Cardenas LLP
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1441 Brickell Avenue
Miami, Florida 33131

Receiver in Case No. 06-80180-CIV-RYSKAMP
U.S. District Court for the Southern District of Florida

David R. Chase, Esquire
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Hollywood, Florida 33020

Counsel to Unsecured Creditors' Committee

John D. Fiero, Esquire
Pachulski, Stang, Ziehl, Young and Jones
150 California St. 15th Fl.
San Francisco, California 94111-4500

1 Office of the U.S. Trustee
2 Sara L. Kisler, Acting U.S. Trustee
3 for Region 17
4 Office of the U.S. Trustee / SJ
5 U.S. Federal Bldg.
6 280 South 1st Street, #268
7 San Jose, California 95113-3004
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Entered on Docket

November 08, 2007

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED.

Signed November 07, 2007

Arthur S. Weissbrodt
U.S. Bankruptcy JudgeSHEPPARD, MULLIN, RICHTER &
HAMPTON LLPA Limited Liability Partnership
Including Professional CorporationsMICHAEL H. AHRENS,
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Facsimile: 415-434-3947

Attorneys for The Billing Resource, dba
IntegretelUNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
[SAN JOSE DIVISION]

In re

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Debtor.

Case No. 07-52890

Chapter 11

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Plaintiff,

v.

FEDERAL TRADE COMMISSION, and
DAVID R. CHASE, not individually, but
solely in his capacity as receiver for
Nationwide Connections, Inc., Access One
Communications, Inc., Network One Services,
Inc., 411TXT, Inc., CELL-INFO-USA, INC.,
Enhanced Billing Services, Inc., Toll Free
Connect, Inc., Cripple Creek Holdings, LLC,
Built to Last, LLC, Not Fade Away, LLC, He's
Gone, LLC, The Other One, LLC, Turn on
Your Love Light, LLC, China Cat Sunflower,
LLC, Lazy River Road Holdings, LLC,

Defendant.

Adv. Proc. No. 07-05156

**ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

1 The Court having previously issued an order to show cause re preliminary injunction in
2 connection with the motion filed by The Billing Resource, dba Integretel ("Integretel") herein,
3 held a hearing thereon on October 17, 2007, considered the pleadings and submissions of counsel
4 for the parties, and issued its Memorandum Decision re Order to Show Cause re Preliminary
5 Injunction on November 2, 2007, which set forth the Court's findings of fact and conclusions of
6 law pertaining hereto, and GOOD CAUSE APPEARING, it is hereby ordered as follows:

7 1. The Federal Trade Commission and its officers, agents, servants, employees and
8 attorneys, and those in active concert or participation with them, are restrained and enjoined
9 through and including March 14, 2008 from pursuing or prosecuting any claims against Integretel
10 in that certain action captioned Federal Trade Commission v. Nationwide Connections, Inc., et al.,
11 Case No. 06-80180-Civ-Ryskamp (the "Florida Action") pending in the United States District
12 Court for the Southern District of Florida (the "Florida Court"). On March 7, 2008 at 1:00 p.m.,
13 the Court will hold a further hearing on whether this preliminary injunction shall remain in effect
14 beyond March 14, 2008. Any supplemental papers in support of continuing the preliminary
15 injunction of the Enforcement Action after March 14, 2008 shall be filed and served by February
16 22, 2008. Any opposition shall be filed by February 29, 2008. Either the Federal Trade
17 Commission or Integretel may request before March 7, 2008 that the preliminary injunction be
18 lifted for good cause based on facts that are not currently before this Court. The injunction issued
19 herein does not affect or restrain the parties from prosecuting and responding to appeals filed by
20 Integretel from orders issued by the Florida Court;

21 2. Integretel's motion in respect of David R. Chase, the Receiver appointed in the
22 Florida Action, is denied without prejudice based upon the October 17, 2007 order of the Eleventh
23 Circuit in *FTC, et al. v. The Billing Resource*, No. 07-14531-E (11th Cir.), that temporarily
24 granted, pending further order of the Eleventh Circuit, Integretel's motion for a stay pending
25 appeal. In the event that the Eleventh Circuit's temporary stay pending appeal is lifted, then any
26 party may request further relief from this Court for good cause shown;

27 3. Integretel's request for authority to unblock the debtor-in-possession account into
28 which it previously deposited \$1,762,762.56 (the "Blocked Account") and use the monies therein

1 is denied without prejudice through December 14, 2007. On December 7, 2007 at 10:00 a.m., the
2 Court will hold a further hearing on whether to unblock the Blocked Account as of December 14,
3 2007. Any supplemental papers in support of unblocking the Blocked Account at that time shall
4 be filed and served by November 27, 2007. Any opposition shall be filed by December 3, 2007.
5 Any party may request that the Blocked Account be unblocked prior to that time for good cause
6 shown based on facts that are not currently before this Court; and

7 4. The Federal Trade Commission's motion for a stay of this preliminary injunction
8 pending its intended appeal of this order, made orally at the hearing hereon on November 2, 2007,
9 is denied.

10 ** END OF ORDER **

11 Approved as to form:

12 WILLIAM BLUMENTHAL
13 General Counsel

14
15 By: /s/ Michael Mora
Michael Mora
16 John Andrew Singer
Attorneys for the Federal Trade Commission

17
18 DANNING, GILL, DIAMOND & KOLLITZ, LLP

19
20 By: /s/ Walter K. Oetzell
Walter K. Oetzell
21 Attorneys for David R. Chase,
22 As Receiver

COURT SERVICE LIST

Office of the U.S. Trustee
Office of the U.S. Trustee
Attn: John Wesolowski, Esq.
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San Jose, CA 95113

The Billing Resource dba Integretel
The Billing Resource dba Integretel
Attn: Ken Dawson
5883 Rue Ferrari
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Attn: Michael H. Ahrens, Esq.
4 Embarcadero Center, 17th Floor
San Francisco, CA 94111-4106

David R. Chase, Receiver
David R. Chase, Receiver for Access One Communications,
Inc. and Network One Services, Inc.
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Associate Director, Division of Marketing Practices
Federal Trade Commission, H-238
600 Pennsylvania Avenue, N.W.

1 Washington, D.C. 20580

2 Proposed Counsel for the Official Unsecured Creditors Committee

3 John Fiero, Esq.

4 Maxim Litvak, Esq.

5 Pachulski, Stang, Ziehl & Jones

6 150 California Street

7 15th Floor

8 San Francisco, CA 94111-4500

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Attachment "A"

November 08, 2007
 GLORIA L. FRANKLIN, CLERK
 U.S. BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA



IT IS SO ORDERED.
 Signed November 07, 2007

Arthur S. Weissbrodt
 Arthur S. Weissbrodt
 U.S. Bankruptcy Judge

SHEPPARD, MULLIN, RICHTER &
 HAMPTON LLP
 A Limited Liability Partnership
 Including Professional Corporations
 MICHAEL H. AHRENS,
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 STEVEN B. SACKS,
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Attorneys for The Billing Resource, dba
 Integretel

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA
 [SAN JOSE DIVISION]

In re

Case No. 07-52890

THE BILLING RESOURCE, dba
 INTEGRETETEL, a California corporation,

Chapter 11

Debtor.

THE BILLING RESOURCE, dba
 INTEGRETETEL, a California corporation,

Adv. Proc. No. 07-05156

Plaintiff,

**ORDER GRANTING MOTION FOR
 PRELIMINARY INJUNCTION**

v.

FEDERAL TRADE COMMISSION, and
 DAVID R. CHASE, not individually, but
 solely in his capacity as receiver for
 Nationwide Connections, Inc., Access One
 Communications, Inc., Network One Services,
 Inc., 411TXT, Inc., CELL-INFO-USA, INC.,
 Enhanced Billing Services, Inc., Toll Free
 Connect, Inc., Cripple Creek Holdings, LLC,
 Built to Last, LLC, Not Fade Away, LLC, He's
 Gone, LLC, The Other One, LLC, Turn on
 Your Love Light, LLC, China Cat Sunflower,
 LLC, Lazy River Road Holdings, LLC,

Defendant.

1 The Court having previously issued an order to show cause re preliminary injunction in
2 connection with the motion filed by The Billing Resource, dba Integretel ("Integretel") herein,
3 held a hearing thereon on October 17, 2007, considered the pleadings and submissions of counsel
4 for the parties, and issued its Memorandum Decision re Order to Show Cause re Preliminary
5 Injunction on November 2, 2007, which set forth the Court's findings of fact and conclusions of
6 law pertaining hereto, and GOOD CAUSE APPEARING, it is hereby ordered as follows:

7 1. The Federal Trade Commission and its officers, agents, servants, employees and
8 attorneys, and those in active concert or participation with them, are restrained and enjoined
9 through and including March 14, 2008 from pursuing or prosecuting any claims against Integretel
10 in that certain action captioned Federal Trade Commission v. Nationwide Connections, Inc., et al.,
11 Case No. 06-80180-Civ-Ryskamp (the "Florida Action") pending in the United States District
12 Court for the Southern District of Florida (the "Florida Court"). On March 7, 2008 at 1:00 p.m.,
13 the Court will hold a further hearing on whether this preliminary injunction shall remain in effect
14 beyond March 14, 2008. Any supplemental papers in support of continuing the preliminary
15 injunction of the Enforcement Action after March 14, 2008 shall be filed and served by February
16 22, 2008. Any opposition shall be filed by February 29, 2008. Either the Federal Trade
17 Commission or Integretel may request before March 7, 2008 that the preliminary injunction be
18 lifted for good cause based on facts that are not currently before this Court. The injunction issued
19 herein does not affect or restrain the parties from prosecuting and responding to appeals filed by
20 Integretel from orders issued by the Florida Court;

21 2. Integretel's motion in respect of David R. Chase, the Receiver appointed in the
22 Florida Action, is denied without prejudice based upon the October 17, 2007 order of the Eleventh
23 Circuit in *FTC, et al. v. The Billing Resource*, No. 07-14531-E (11th Cir.), that temporarily
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25 appeal. In the event that the Eleventh Circuit's temporary stay pending appeal is lifted, then any
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27 3. Integretel's request for authority to unblock the debtor-in-possession account into
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1 is denied without prejudice through December 14, 2007. On December 7, 2007 at 10:00 a.m., the
2 Court will hold a further hearing on whether to unblock the Blocked Account as of December 14,
3 2007. Any supplemental papers in support of unblocking the Blocked Account at that time shall
4 be filed and served by November 27, 2007. Any opposition shall be filed by December 3, 2007.
5 Any party may request that the Blocked Account be unblocked prior to that time for good cause
6 shown based on facts that are not currently before this Court; and

7 4. The Federal Trade Commission's motion for a stay of this preliminary injunction
8 pending its intended appeal of this order, made orally at the hearing hereon on November 2, 2007,
9 is denied.

10 ** END OF ORDER **

11 Approved as to form:

12 WILLIAM BLUMENTHAL
13 General Counsel

14
15 By: /s/ Michael Mora
16 Michael Mora
17 John Andrew Singer
18 Attorneys for the Federal Trade Commission

19
20 DANNING, GILL, DIAMOND & KOLLITZ, LLP

21 By: /s/ Walter K. Oetzell
22 Walter K. Oetzell
23 Attorneys for David R. Chase,
24 As Receiver
25
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COURT SERVICE LIST

Office of the U.S. Trustee

Office of the U.S. Trustee

Attn: John Wesolowski, Esq.

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San Jose, CA 95113

The Billing Resource dba Integretel

The Billing Resource dba Integretel

Attn: Ken Dawson

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Counsel for The Billing Resource dba Integretel

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Attn: Michael H. Ahrens, Esq.

4 Embarcadero Center, 17th Floor

San Francisco, CA 94111-4106

David R. Chase, Receiver

David R. Chase, Receiver for Access One Communications,

Inc. and Network One Services, Inc.

David R. Chase, P.A.

Wachovia Center-Penthouse

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Counsel for the Receiver David R. Chase

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Associate Director, Division of Marketing Practices

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8 San Francisco, CA 94111-4500

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1 WILLIAM BLUMENTHAL
General Counsel

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3 MICHAEL P. MORA
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4 Federal Trade Commission
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7 mmora@ftc.gov
jmack@ftc.gov

8 ATTORNEYS FOR
9 FEDERAL TRADE COMMISSION

10
11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

13 IN RE

14 THE BILLING RESOURCE, dba Integretel, a
15 California corporation,

16 Debtor

17
18 THE BILLING RESOURCE, dba INTEGRETTEL,
a California corporation,

19 Plaintiff,

20 v.

21 FEDERAL TRADE COMMISSION, and DAVID
22 R. CHASE, not individually, but solely in his
capacity as receiver for Nationwide Connections,
23 Inc., Access One Communications, Inc., Network
One Services, Inc., 411TXT, Inc.,
24 CELL-INFOUSA, INC., Enhanced Billing
Services, Inc., Toll Free Connect, Inc., Cripple
25 Creek Holdings, LLC, Built to Last, LLC, Not
Fade Away, LLC, He's Gone, LLC, The Other
26 One, LLC, Turn on Your Love Light, LLC, China
Cat Sunflower, LLC, Lazy River Road Holdings,
27 LLC,

28 Defendant.

Case No. 07-52890
Chapter 11

Adv. Pro. No. 07-05156

APPELLANT FEDERAL TRADE
COMMISSION'S STATEMENT
OF ELECTION TO HAVE
APPEAL HEARD BY DISTRICT
COURT

1 Pursuant to 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e), Appellant Federal Trade
2 Commission (the "FTC") hereby elects to have its appeal from the bankruptcy court order
3 entitled "Order Granting Motion for Preliminary Injunction," heard by the United States District
4 Court for the Northern District of California. Notice of the FTC's foregoing appeal is being filed
5 concurrently with this Statement of Election.

6 Dated: November 8, 2007

Respectfully submitted,

7 WILLIAM BLUMENTHAL
8 General Counsel

9
10 /s/ Michael P. Mora
11 JOHN ANDREW SINGER
12 MICHAEL P. MORA
13 JULIE A. MACK
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mmora@ftc.gov
jmack@ftc.gov

17 ATTORNEYS FOR
18 FEDERAL TRADE COMMISSION
19
20
21
22
23
24
25
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27
28

CERTIFICATE OF SERVICE

1
2 1. My name is Michael P. Mora. I am an attorney with the Federal Trade
3 Commission, an interested party in this matter. My business address is 600 Pennsylvania
4 Avenue, N.W., Room 2122, Washington, DC 20580.

5 2. A true and correct copy of the forgoing APPELLANT FEDERAL TRADE
6 COMMISSION'S STATEMENT OF ELECTION TO HAVE APPEAL HEARD BY DISTRICT
7 COURT will be served on November 9, 2007, by causing it to be sent via U.S. mail from
8 Washington, DC, to the Attached Service List.

9 The following also were served on November 8, 2007, by Electronic Noticing pursuant to
10 Section 10 of this Court's Amended Operating Order and Local Rule 9013-3(c) on each
11 Registered Participant as follows:
12

13 Michael H. Ahrens mahrens@sheppardmullin.com
14 Ori Katz okatz@sheppardmullin.com, dwhitehead@sheppardmullin.com
15 Jeffrey K. Rehfeld jrehfeld@sheppardmullin.com, ewalters@sheppardmullin.com
Steven B. Sacks ssacks@sheppardmullin.com, ewalters@smrh.com
Steven J. Schwartz sschwartz@dgd.com

16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed on November 8, 2007, at Washington, DC.

19
20 /s/ Michael P. Mora
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SERVICE LIST

Debtor

The Billing Resource
5883 Rue Ferrari
San Jose, California 95138

Counsel to Debtor

The Billing Resource, dba Integretel,
a California corporation
Michael H. Ahrens, Esquire
Jeffrey K. Rehfeld, Esquire
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Receiver in Case No. 06-80180-CIV-RYSKAMP
U.S. District Court for the Southern District of Florida

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Wachovia Center - Penthouse
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Pachulski, Stang, Ziehl, Young and Jones
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San Francisco, California 94111-4500

1 Office of the U.S. Trustee

2 Sara L. Kisler, Acting U.S. Trustee

3 for Region 17

4 Office of the U.S. Trustee / SJ

5 U.S. Federal Bldg.

6 280 South 1st Street, #268

7 San Jose, California 95113-3004

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APPEAL

**U.S. Bankruptcy Court
Northern District of California (San Jose)
Adversary Proceeding #: 07-05156**

Assigned to: Judge Arthur S. Weissbrodt

Date Filed: 09/19/07

Related BK Case: 07-52890

Related BK Title: The Billing Resource

Related BK Chapter: 11

Demand:

Nature[s] of Suit: 91 Declaratory judgment

72 Injunctive relief - other

Plaintiff**The Billing Resource**

5883 Rue Ferrari

San Jose, CA 95138

Tax id: 33-0289863

represented by **Jeffrey K. Rehfeld**

Sheppard, Mullin, Richter and Hampton

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UNITED STATES BANKRUPTCY COURT

Northern District of California

I certify that this is a true, correct and full copy
of the original document on file in my custody.

Dated 11-9-07

by [Signature]

Deputy Clerk

V.

Defendant**David R Chase, Defendant**

c/o Tew Cardenas LLP
 Attention Jeffrey C. Schneider
 Four Seasons Tower, 15th Floor
 1441 Brickell Avenue
 Miami, FL 33131-3407
 305-539-2481

represented by

Steven J. Schwartz

Danning, Gill, Diamond and Kollitz
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 Email: sschwartz@dgdg.com

Federal Trade Comission, Defendant

c/o Laura Kim
 600 Pennsylvania Ave., N.W.
 Room H-238
 Washington, DC 20580
 202-326-3734

represented by **Julie A. Mack**

Federal Trade Commission
 600 Pennsylvania Ave. N.W.
 Washington, DC 20580
 (202) 326-2312
 Email: jmack@ftc.gov

| Filing Date | # | Docket Text |
|-------------|--------------------------|--|
| 09/19/2007 | <u>1</u> | Adversary case <u>07-05156</u> . 91 (Declaratory judgment), 72 (Injunctive relief - other) Complaint by The Billing Resource against David R Chase, Federal Trade Comission. Fee Amount \$250. (Katz, Ori) (Entered: 09/19/2007) |
| 09/19/2007 | | Receipt of filing fee for Complaint(07-05156) [cmp,cmp] (250.00). Receipt number 4643836, amount \$ 250.00 (U.S. Treasury) (Entered: 09/19/2007) |
| 09/19/2007 | <u>2</u> | Summons to be Issued on David R Chase, Federal Trade Comission (RE: related document(s) <u>1</u> Complaint filed by Plaintiff The Billing Resource). (Katz, Ori) (Entered: 09/19/2007) |
| 09/19/2007 | <u>3</u> | Adversary Cover Sheet (RE: related document(s) <u>1</u> Complaint filed by Plaintiff The Billing Resource). (Katz, Ori) (Entered: 09/19/2007) |
| 09/20/2007 | <u>4</u> | Summons Issued on David R Chase Answer Due 10/22/2007; Federal Trade Comission Answer Due 10/22/2007. (jd,) (Entered: 09/20/2007) |
| 09/20/2007 | <u>5</u> | Order for Telephonic Status Conference with Certificate of Service. . Status Conference to be held on 12/10/2007 at 02:15 PM at San Jose Courtroom 3020 - Weissbrodt. (jd,) (Entered: 09/20/2007) |
| 09/24/2007 | <u>6</u> | Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary |

Restraining Order Filed by Plaintiff The Billing Resource.
(Attachments: # 1 Exhibit A - Proposed Order# 2 Memorandum of Points and Authorities # 3 Declaration of Neal Goldfarb# 4 Declaration of Ken Dawson) (Sacks, Steven) (Entered: 09/24/2007)

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| 09/24/2007 | <u>7</u> | Declaration of Steven B. Sacks in support of (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E) (Sacks, Steven) (Entered: 09/24/2007) |
| 09/24/2007 | <u>8</u> | Notice of Hearing (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order, filed by Plaintiff The Billing Resource, <u>7</u> Declaration, filed by Plaintiff The Billing Resource). Hearing scheduled for 9/26/2007 at 02:15 PM at San Jose Courtroom 3020 - Weissbrodt. Filed by Plaintiff The Billing Resource. (Sacks, Steven) (Entered: 09/24/2007) |
| 09/25/2007 | <u>9</u> | Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for Temporary Restraining Order</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Mack, Julie) ERROR: PDF CONTAINS MAIN BANKRUPTCY CASE NUMBER #07-52890. ADVERSARY PROCEEDING NUMBER NOT SHOWN ON PDF. . Modified on 9/26/2007 (er,). (Entered: 09/25/2007) |
| 09/25/2007 | <u>10</u> | Brief/Memorandum in Opposition to (Related Document(s): <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction and Declaratory Relief, Motion for Temporary Restraining Order). . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: ADVERSARY PROCEEDING NUMBER INCORRECT ON PDF. CORRECTIVE ENTRY: COURT ADDED LINKAGE TO DOCUMENT #6 EMERGENCY MOTION FOR ORDER TO SHOW CAUSE, MOTION FOR PRELIMINARY INJUNCTION, MOTION FOR TEMPORARY RESTRAINING ORDER. Modified on 9/26/2007 (er,). (Entered: 09/25/2007) |
| 09/25/2007 | <u>11</u> | Certificate of Service (RE: related document(s) <u>8</u> Notice of Hearing,, <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,, <u>7</u> Declaration,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 09/25/2007) |
| 09/26/2007 | <u>12</u> | Certificate of Service of <i>Federal Trade Commission's Opposition to Debtor's Emergency Motion for Temporary Restraining Order and</i> |

Order to Show Cause Regarding Preliminary Injunction and Declaratory Relief (RE: related document(s)9 Opposition Brief/Memorandum,). (Mack, Julie) (Entered: 09/26/2007)

09/26/2007

- Hearing Continued (RE: related document(s)6 Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction and *Declaratory Relief*, Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing to be held on 10/2/2007 at 2:00 PM San Jose Courtroom 3020 - Weissbrodt for 6,any additional pleadings by plaintiff to be filed NLT 12:00 PM on 9/28/07, any response due NLT 3:00 PM 10/1/07. (tb,) (Entered: 09/26/2007)

09/28/2007

- 13 Memorandum of Points and Authorities in Support of *Supplemental Memorandum In Support Of Request For Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction And Declaratory Relief* (RE: related document(s)6 Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # 1 Supplemental Declaration Of Ken Dawson# 2 Certificate of Service) (Sacks, Steven) (Entered: 09/28/2007)

09/28/2007

- 14 Summons Service Executed on David R Chase 9/28/2007; Federal Trade Comission 9/28/2007 ; *Tew Cardenas LLP* 9/29/2007; *Danning, Gill, Diamond & Kollitz LLP* 9/28/2007; *US Attorney for FTC-San Jose* 9/28/2007; and *US Attorney for FTC, San Francisco*, 9/28/2007. (Attachments: # 1 Certificate of Service) (Rehfeld, Jeffrey) (Entered: 09/28/2007)

09/28/2007

- 15 Supplemental Certificate of Service of *Summons and Notice of Telephonic Status Conference in Adversary Proceeding; Complaint for Declaratory Relief, Temporary Restraining Order, and Preliminary Injunction; Adversary Cover Sheet; Order Setting Telephonic CMC in San Jose; and Bankruptcy Dispute Resolution Program Information Sheet* (RE: related document(s)14 Summons Service Executed,1 Complaint, 3 Adversary Cover Sheet,5 Order for Telephonic Status Conference with Certificate of Service). Filed by Plaintiff The Billing Resource (Rehfeld, Jeffrey) **CORRECTIVE ENTRY: COURT MODIFIED THE DOCKET TEXT AND ADDED LINKAGE TO THE DOCUMENTS LISTED AS BEING SERVED.** Modified on 10/1/2007 (cvt,). (Entered: 09/28/2007)

09/29/2007

- 16 Corrected Certificate of Service of *Supplemental Memorandum in Support of Request for TRO and Supplemental Declaration of K. Dawson* (RE: related document(s)13 Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 09/29/2007)

| | | |
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| 09/30/2007 | <u>18</u> | Order Not Signed Regarding Motion to Show Cause (Related Doc # <u>6</u>), Not Signed Regarding Motion for Preliminary Injunction (Related Doc # <u>6</u>), Not Signed Regarding Motion for Temporary Restraining Order (Related Doc # <u>6</u>) (cvt,) (Entered: 10/02/2007) |
| 10/01/2007 | <u>17</u> | Supplemental Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for TRO</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Commission (Attachments: # <u>1</u> Declaration of Laura Kim# <u>2</u> Declaration Exhibits A-K# <u>3</u> Declaration Exhibits L-N) (Mack, Julie) (Entered: 10/01/2007) |
| 10/02/2007 | <u>16</u> | Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction and <i>Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Temporary Restraining Order denied, Hearing on Preliminary Injunction to be held on 10/17/2007 at 2:00 PM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> ; plaintiff to file by noon on 10/12/07, defendant to respond by noon on 10/15/07. (tb,) (Entered: 10/04/2007) |
| 10/03/2007 | <u>19</u> | Transcript, Date of Hearing: Sep. 26, 2007 <i>emergency motion for TRO, etc.</i> (Palmer, Susan) (Entered: 10/03/2007) |
| 10/04/2007 | <u>20</u> | Certificate of Service <i>Federal Trade Commission's Supplemental Opposition to Debtor's Emergency Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Declaratory Relief</i> (RE: related document(s) <u>17</u> Opposition Brief/Memorandum,). Filed by Defendant Federal Trade Commission (Mack, Julie) (Entered: 10/04/2007) |
| 10/04/2007 | <u>21</u> | BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>18</u> Order on Motion to Show Cause, Order on Motion for Preliminary Injunction, Order on Motion for Temporary Restraining Order). Service Date 10/04/2007. (Admin.) (Entered: 10/04/2007) |
| 10/10/2007 | <u>22</u> | Order Denying Motion for Temporary Restraining Order (Related Doc # <u>6</u>) (aw,) (Entered: 10/11/2007) |
| 10/12/2007 | <u>23</u> | Memorandum of Points and Authorities in Support of <i>Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,, <u>13</u> Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Declaration of Ken Dawson# <u>2</u> Exhibit 1 to Dawson Declaration# <u>3</u> Exhibit 2 to Dawson Declaration# <u>4</u> Exhibit 3 to Dawson Declaration# <u>5</u> Declaration |

of Paul Weber# 6 Exhibit A to Weber Declaration# 7 Exhibit B to Weber Declaration# 8 Exhibit C to Weber Declaration) (Katz, Ori) (Entered: 10/12/2007)

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| 10/12/2007 | <u>24</u> | Transcript, Date of Hearing: Oct. 2, 2007 <i>emergency motion on TRO and order to show cause.</i> (Palmer, Susan) (Entered: 10/12/2007) |
| 10/12/2007 | <u>25</u> | First Request To Take Judicial Notice of <i>Federal Receiver in Response to Order to Show Cause Re: Preliminary Injunction.</i> Filed by Defendant David R Chase (Attachments: # <u>1</u> Appendix # <u>2</u> Appendix # <u>3</u> Appendix # <u>4</u> Appendix # <u>5</u> Appendix # <u>6</u> Appendix # <u>7</u> Appendix # <u>8</u> Appendix # <u>9</u> Appendix # <u>10</u> Appendix) (Schwartz, Steven) ERROR: EXHIBITS SHOULD BE AN ATTACHMENT. Modified on 10/15/2007 (aw,). (Entered: 10/12/2007) |
| 10/12/2007 | <u>26</u> | Certificate of Service (RE: related document(s) <u>23</u> Memo of Points & Authorities,,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 10/12/2007) |
| 10/13/2007 | <u>27</u> | BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>22</u> Order on Motion for Temporary Restraining Order). Service Date 10/13/2007. (Admin.) (Entered: 10/13/2007) |
| 10/15/2007 | <u>28</u> | Brief/Memorandum in Opposition to <i>Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007) |
| 10/15/2007 | <u>29</u> | Supplemental Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Attachments: # <u>1</u> Declaration of Collot Guerard# <u>2</u> Declaration Exhibits A-E) (Mack, Julie) ERROR: WRONG EVENT CODE SELECTED. Modified on 10/16/2007 (aw,). (Entered: 10/15/2007) |
| 10/15/2007 | <u>30</u> | Certificate of Service (RE: related document(s) <u>28</u> Opposition Brief/Memorandum,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007) |
| 10/15/2007 | <u>31</u> | Certificate of Service (RE: related document(s) <u>25</u> Request To Take Judicial Notice,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007) |

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| 10/15/2007 | <u>32</u> | Certificate of Service of <i>Federal Receiver's Second Supplemental Opposition to Motion for Authority to Use Cash Collateral; Memorandum of Points and Authorities</i> . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: LINKAGE. FYI: COURT UNABLE TO ADD LINKAGE DUE TO LOCATING PLEADING TITLED SECOND SUPPLEMENTAL OPPOSITION ON COURT DOCKET.Modified on 10/16/2007 (aw,). (Entered: 10/15/2007) |
| 10/17/2007 | | Courtroom Hearing Held (RE: multi-part motion - related document(s) <u>6</u>) (Under submission; the status conference to be held in the main case (07-52890) is continued from 10/26/07 at 2:00 PM to 11/2/07 at 1:00 PM.)(tb,) (Entered: 10/18/2007) |
| 10/19/2007 | <u>33</u> | Motion to Dismiss Adversary Proceeding <i>Motion of Federal Receiver to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 10/19/2007) |
| 10/19/2007 | <u>34</u> | Memorandum of Points and Authorities in of <i>Federal Receiver in Support of Motion to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/19/2007) |
| 10/19/2007 | <u>35</u> | Second Request To Take Judicial Notice of <i>Federal Receiver Pursuant to FRE Rule 201(d) in Support of Motion to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant David R Chase (Attachments: # <u>1</u> Appendix) (Schwartz, Steven) (Entered: 10/19/2007) |
| 10/19/2007 | <u>36</u> | Notice of Hearing (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding filed by Defendant David R Chase). Hearing scheduled for 11/27/2007 at 03:00 PM at San Jose Courtroom 3020 - Weissbrodt. Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 10/19/2007) |
| 10/19/2007 | <u>37</u> | Certificate of Service of <u>36</u> <i>Notice Of Hearing On Motion Of Federal Receiver To Dismiss Complaint Pursuant To Frcp Rule 12(B)(1); 33 Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1); 34 Memorandum Of Points And Authorities In Support Of Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1); 35 Second Request Of Federal Receiver Pursuant To FRE Rule 201(d) For Judicial Notice In Support Of Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1)</i> . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: LINAKGE. CORRECTIVE ENTRY: COURT ADDED LINKAGE AND MODIFIED DOCKET TEXT. Modified on |

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| | | 10/22/2007 (aw,). (Entered: 10/19/2007) |
| 10/23/2007 | ● <u>38</u> | Certificate of Service (RE: related document(s) <u>29</u> Opposition Brief/Memorandum,). Filed by Defendant Federal Trade Commission (Mack, Julie) (Entered: 10/23/2007) |
| 10/24/2007 | ● <u>39</u> | Answer to Complaint of Debtor for Declaratory and Injunctive Relief Filed by Federal Trade Commission. (Attachments: # <u>1</u> Certificate of Service)(Mack, Julie) (Entered: 10/24/2007) |
| 10/28/2007 | ● <u>40</u> | Transcript, Date of Hearing: Oct. 17, 2007 <i>plaintiff's motion</i> . (Palmer, Susan) (Entered: 10/28/2007) |
| 11/02/2007 | ● <u>41</u> | Memorandum Decision RE: Order To Show Cause Regarding Preliminary Injunction (RE: related document(s) <u>6</u> Motion for Order to Show CauseMotion for Preliminary InjunctionMotion for Temporary Restraining Order filed by Plaintiff The Billing Resource). (Attachments: # <u>1</u> Part II -Pages 41-64) (aw,) (Entered: 11/02/2007) |
| 11/04/2007 | ● <u>42</u> | BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>41</u> Memorandum Decision,). Service Date 11/04/2007. (Admin.) (Entered: 11/04/2007) |
| 11/05/2007 | ● | Emergency Hearing Set On (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing scheduled for 11/5/2007 at 04:30 PM at San Jose Courtroom 3020 - Weissbrodt. (tb,) (Entered: 11/06/2007) |
| 11/05/2007 | ● | Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. The Court grants a TRO effective immediately with Plaintiff preparing an order reviewed by counsel for the FTC and The Receiver and will issue an OSC as to why a preliminary injunction should not issue; the Hearing is to be held on 11/16/2007 at 10:00 AM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> , plaintiff to file by 6 PM PST on 11/7/07, defendants by 6 PM PST on 11/9/07, with a reply due by 6 PM PST on 11/13/07. The Debtor and The Receiver should file a joint report with the District Court. (tb,) (Entered: 11/06/2007) |
| 11/06/2007 | ● <u>43</u> | Objection to <i>Integretel's Form of Proposed Order Granting Temporary Restraining Order and Order To Show Cause re Preliminary Injunction</i> . Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/06/2007) |

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| | | 11/06/2007) |
| 11/07/2007 | ● <u>44</u> | Response to <i>Receiver's Objection to Proposed Form of Order Granting Temporary Restraining Order</i> (RE: related document(s) <u>43</u> Objection). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007) |
| 11/07/2007 | ● <u>45</u> | Certificate of Service (RE: related document(s) <u>44</u> Response). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007) |
| 11/07/2007 | ● <u>46</u> | Certificate of Service (RE: related document(s) <u>43</u> Objection). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/07/2007) |
| 11/07/2007 | ● <u>47</u> | Memorandum of Points and Authorities in Support of (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Declaration of Steven B. Sacks) (Sacks, Steven) (Entered: 11/07/2007) |
| 11/07/2007 | ● <u>48</u> | Certificate of Service (RE: related document(s) <u>47</u> Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007) |
| 11/07/2007 | ● <u>49</u> | Order Granting Motion for Preliminary Injunction (Related Doc # <u>6</u>) (aw,) (Entered: 11/08/2007) |
| 11/08/2007 | ● <u>50</u> | Notice of Appeal to District Court , Fee Amount \$ 255. (RE: related document(s) <u>49</u> Order on Motion for Preliminary Injunction). Appellant Designation due by 11/19/2007. Transmission to District Court due by 12/10/2007. (Attachments: # <u>1</u> Exhibit A) Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/08/2007) |
| 11/08/2007 | ● <u>51</u> | Statement of Election to District Court, (RE: related document(s) <u>50</u> Notice of Appeal, filed by Defendant Federal Trade Comission). Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/08/2007) |
| 11/09/2007 | ● <u>52</u> | Third Request To Take Judicial Notice <i>in Response to Order to Show Cause Why Preliminary Injunction Should Not Be Issued</i> . Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/09/2007) |
| 11/09/2007 | ● <u>53</u> | Courts Certificate of Mailing. Number of notices mailed: 7 (RE: related document(s) <u>50</u> Notice of Appeal,). (tm,) (Entered: 11/09/2007) |

